

PHILIP MORRIS, INC.
LAW DEPARTMENT MEMORANDUM
RICHMOND, VIRGINIA

June 1, 1976

RECEIVED
JUN 1 1976
H. WAKEHAM

To: R. Seligman
FROM: A. Palmer
SUBJECT: PATENT MATTERS—GENERAL

I refer to John Nienow's presentation at Project Review last week and will use several aspects of his work to illustrate the following comments.

John reported on developing or improving various types of equipment or procedures for measuring firmness, moisture content, and filling power. Some questions were raised, as I recall, whether there might be possibilities of patentable subject matter. I have since found in our records that an application has been filed on one aspect, the dynamic firmness detector using strain gauges on the short tongue of a cigarette-making machine (Doc. No. PM 663).

You may also recall considerable discussion at the meeting about which of various items would be useful in or might be adaptable for production control uses and which were likely to be used only for laboratory purposes. I understand that R&D is not much interested in trying to patent test equipment of limited application. This seems sensible to me, and I suggest that the emphasis should be put on equipment or techniques of more general applicability. The short tongue unit is a good example. Others being considered for patent action are the two approaches John discussed concerning dynamic moisture determination.

An important aspect of dealing with such subjects is the necessity of filing a U. S. application within one year of first commercial use. There is no second chance after that. So we should be looking ahead to ultimate prospects, not just immediate uses, and taking care to file on items which seem to have a realistic chance of leading eventually to plant use. Also, if foreign patent coverage is desired, care should be taken to avoid disclosures outside the company before our U. S. filing date. If any outside disclosure is considered necessary, it should be done under agreement imposing suitable restrictions.

Finally, there may be defensive considerations to be taken into account even if an application is not filed. I would suggest for consideration and discussion that it seems desirable to establish a review procedure to identify and select for publication those items we want to be free to use but on which no patent coverage is likely to be obtained.

Let's talk about this at your convenience.

ceh

cc: W. Gannon
T. Osdene
R. Thomson
H. Wakeham

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